IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRP.No. 3123 of 2000(F)

(AGAINST THE JUDGMENT DATED 30/08/2000 MADE IN CMA.118/1996 ON THE FILE OF THE COURT OF THE DISTRICT JUDGE OF PALAKKAD, WHICH WAS AGAINST THE ORDER DATED 29/11/1996 MADE IN ORDER NO.R.2169/1994 OF THE DIVISIONAL FOREST OFFICER, PALAKKAD)

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REVN. PETITIONER: APPELLANT:PETITIONER:

S.DORASWAMY,
S/O.SUKKAPPA KOUNDER, RESIDING AT VADAKKEKADU,
KALLANTHAM P.O., ATHUR TALUK, SALEM DISTRICT,
TAMIL NADU.

BY ADV. SRI.V.CHITAMBARESH
SRI.KRISHNA PRASAD. S

RESPONDENTS:RESPONDENTS:AUTHORISED OFFICERS:

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1. **THE DIVISIONAL FOREST OFFICER, OLAVAKKODE, PALAKKAD.**

2. **THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, PALAKKAD.**

BY SPL. GOVERNMENT PLEADER SRI. PRAKASH (FORESTS)for R1&R2

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.6305/2000 IN C.R.P.NO.3123/2000

DISMISSED

6/09/2007 **SD/- PIUS C. KURIAKOSE, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

C.R.P. No. 3123 OF 2000

Dated this the 6th day of September, 2007

O R D E R

Sri.T.C.Suresh Menon, counsel for the petitioner has addressed arguments very strenuously. But, Sri.Prakash, the learned special Government Pleader could meet all his arguments. I do not find any jurisdictional or other infirmity about the order of the District Court confirming the confiscation order passed by the confiscating officer under Section 61 A of the Forest Act. Admittedly, the conduct of the petitioner was in violation of Rule 3 and hence an offence for the purpose of Forest Act. The Supreme Court in **State of West Bengal & others v. Sujith Kumar Rana** [2004(4) SCC 129] is to the effect that the conviction for an offence is not a condition precedent for passage of confiscation order. In the instant case concededly the petitioner has committed offence.

The Civil Revision Petition will stand dismissed.

PIUS C. KURIAKOSE, JUDGE

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